

TENTATIVE MAP PERMIT

FILE NO.	PT14-018
LOCATION OF PROPERTY	West side of South Bascom Avenue approximately 700 feet south of Curtner Avenue
ZONING DISTRICT	A(PD) Planned Development
GENERAL PLAN DESIGNATION	Neighborhood/Community Commercial
PROPOSED USE	Tentative Map to subdivide 1 parcel into 11 parcels for residential uses and circulation on a 0.70 gross acre site.
ENVIRONMENTAL STATUS	Determination of Consistency with File No. PDC89-12-152 Negative Declaration as addended
APPLICANT/ADDRESS	Kamran Pourshams 4181 Orin Court San Jose, CA 95124
OWNER/ADDRESS	IDA 1 Inc. 10075 Pasadena Avenue Cupertino, CA 95014

The Director of Planning, Building, and Code Enforcement determines, concludes, and finds as follows for this proposed project:

1. **Site Description and Surrounding Uses.** The project site is located on the west side of South Bascom Avenue, approximately 700 feet south of Curtner Avenue. The site is currently occupied by one single-family residence. The project site is zoned A(PD) Planned Development, File No. PDC02-003.
 - a. The project site is abutted to the south by property zoned A(PD) Planned Development, File No. PDC82-015, and developed with three-story multi-family residential units. The site is abutted to the north by property zoned A(PD) Planned Development, File No. PDC81-037, and developed with three-story multi-family residential units. To the east across South Bascom Avenue, the site is abutted by properties zoned CP Commercial Pedestrian and developed with commercial uses. To the west, the site is abutted by properties zoned R-M Multiple Residence and developed with two-story apartment buildings.
2. **Project Description.** The requested Tentative Map would allow the subdivision of 1 parcel into 11 parcels for residential uses and circulation. The Tentative Map would be implemented in two phases with two final maps. The first phase would include the front five lots within which the residential units are located, and a lot that includes a portion of the on-site drive to serve these five lots. The second subdivision of lots 6 through 10 cannot occur until Fire access is provided to the satisfaction of the Fire Marshall.

3. **General and Specific Plan Conformance.** The Director of Planning of the City of San José finds that the proposed subdivision shown on the Tentative Map, subject to the conditions listed below and the requirements for project design and improvements is consistent with applicable General and Specific Plans of the City of San José in that:
- a. The Project is consistent with the site's Envision San Jose 2040 General Plan Land Use / Transportation Diagram designation of Neighborhood/Community Commercial in that the project implements an existing planned development zoning which was previously found to be in conformance with the General Plan prior to its comprehensive update per the following General Plan Implementation Policy:
 - 1) **Implementation Policy IP-1.4.** Implementation of existing planned development zonings and/or approved and effective land use entitlements, which were previously found to be in conformance with the General Plan prior to its comprehensive update, are considered as being in conformance with the Envision General Plan when the implementation of such entitlements supports its goals and policies.
4. **Subdivision Map Act Findings.** In accordance with Section 66474 of the Government Code of the State of California, the Director of Planning of the City of San José, in consideration of the proposed subdivision shown on the Tentative Map with the imposed conditions, shall deny approval of a tentative map, if it makes any of the following findings:
- a. That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
 - b. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
 - c. That the site is not physically suitable for the type of development.
 - d. That the site is not physically suitable for the proposed density of development.
 - e. That the design of the subdivision or the proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
 - f. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
 - g. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.
- Based on review of the proposed subdivision, the Director of Planning of the City of San José does not make any such findings for the subject subdivision.*
5. **Environmental Review.** The environmental impacts of the project, including but not limited to noise, vibration, dust, drainage, erosion, stormwater runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative affect on adjacent property or properties.
- a. A Determination of Consistency with the PDC89-12-152 Negative Declaration, as addended, was prepared which found that the project does not involve new significant effects beyond those analyzed in the Negative Declaration.

In accordance with the findings set forth above, a Tentative Map Permit for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby **granted**. The Director of Planning, Building, and Code Enforcement expressly declares that it would not have granted this Permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **Acceptance of Permit.** Per Section 20.100.290(B), should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
 - a. Acceptance of the Permit by the applicant; and
 - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Improvement Contract.** In the event the subdivider has not completed the improvements required for the proposed subdivision at the time the final map is presented for approval, subdivider shall enter into an improvement contract pursuant to Agreement with the City of San José, in accordance with Section 19.32.130 of the San José Municipal Code, and provide the bonds and insurance mentioned therein.
3. **Public Use Easements.** Subdivider shall dedicate on the final map for public use easements for public utilities, streets, pedestrian ways, sanitary sewers, drainage, flood control channels, water systems and slope easements in and upon all areas within the subdivision shown on the Vesting Tentative Map for the subdivision to be devoted to such purposes.
4. **Conveyance of Easements.** Subdivider shall convey or cause to be conveyed to the City of San José, easements in and upon all areas as shown on the Tentative Map outside the boundaries of, but appurtenant to, the subdivision. Should a separate instrument be required for the conveyance of the easement(s), it shall be recorded prior to the recordation of the Parcel or Final Map. Such easements so conveyed shall be shown on the Parcel Map, together with reference to the Book and Page in the Official Recorder of Santa Clara County, where each instrument conveying such easements is recorded.
5. **Homeowner's Association and/or Maintenance District.** A Homeowner's Association or Maintenance District shall be established for maintenance of all common areas, including, private streets, pedestrian walkways, easements, landscaping, and landscaping in the public right-of-way that is not already in a maintenance district, etc. The applicant shall provide to the Homeowners Association a copy of the Tentative Map Permit, the accompanying Plan Set, any approved Amendments or Adjustments to the Development Permit, and a complete set of approved building and all improvement plans within 30 days of completion of each construction phase.
6. **Final Map.** No Final Map or Tract Map shall be approved by City Council unless and until the appeal period for the development permit, City File No. PD14-025 has expired and all appeals have been exhausted.

7. **Conformance to Plans.** Development shall conform to the approved Tentative Map plans entitled, "Tentative Map: 2799 S. Bascom Avenue" dated received February 8, 2016, on file with the Department of Planning, Building and Code Enforcement and to the San Jose Building Code (San Jose Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.
8. **Conformance with Previously Approved Zoning.** All conditions of approval and required environmental mitigation measures from the previously approved Planned Development Zoning remain in effect.
9. **Conformance with Other Permits.** The subject Tentative Map conforms to and complies in all respects with the Planned Development Zoning File No. PDC02-003 and the Planned Development Permit File No. PD14-025 on which such Tentative Map is based. Approval of said Tentative Map shall automatically expire with respect to any portion of the lands covered by such Tentative Map on which a Final Map or Tract Map has not yet been recorded if, prior to recordation of a Final Map or Tract Map thereon, the Planned Development Permit for such lands automatically expires or for any reason ceases to be operative.
10. **Final Map for Phase 2.** No final map shall be approved for Phase 2 as described in the Approved Plan Set until the permittee provides evidence to the satisfaction of the Fire Marshall, Director of Public Works, and the Director of Planning, Building, and Code Enforcement that lots 6 through 10 can be served by an approved fire apparatus access road.
11. **Multiple Final Maps.** Multiple Final Maps may be filed for this subdivision if each and all of the following conditions are met with each Final Map:
 - a. All fees associated with development and a part of this approval shall be apportioned and paid for each portion of this subdivision for which a Final Map is being filed, including but not limited to Parkland Dedication, undergrounding of utilities, drainage, area and sewer treatment plan.
 - b. All public streets on which each Final Map has frontage are improved or bonded to be improved to the satisfaction of the Director of Public Works.
 - c. All grading, drainage, and easements for drainage, adequate to protect each lot for which a Final Map is requested, and surrounding parcels which could be impacted by such design or lack of design, shall be guaranteed to the satisfaction of the Director of Public Works.
 - d. Any and all off-site improvements necessary for mitigation of impacts brought about by this project shall be apportioned to the degree possible to guarantee adequate mitigation for each area for which a Final Map is being filed, to the satisfaction of the Director of Public Works.
12. **Revocation.** This Permit is subject to revocation for violation of any of its provisions or conditions.

APPROVED and issued on this **10th day of February, 2016.**

Harry Freitas, Director
Planning, Building, and Code Enforcement

Deputy